

Summary

RELATIONSHIP OF DOCTOR AND PATIENT, CRIMINAL LAW ASPECTS

I have chosen this particular topic regarding the fact, that medical law is a part of law, which attracts general public attention. Relationship of doctor and patient is something that every one of us has experience with. Everyone visits doctor and builds unique relationship with him. I have chosen topic of relationship of doctor and patient, because I want to highlight that this relationship is still not relationship of equal partners in the Czech Republic, which leads to several conclusions. My aim is to analyze this situation regarding criminal law aspects.

Aim of this thesis is to analyze relationship of doctor and patient as a result of process of evolution, to describe recent situation in the Czech Republic and to suggest changes for the future. I look at the relationship of doctor and patient on the basis of criminal law and demonstrate some particular aspects with case studies.

Thesis is divided into thirteen chapters. First chapter introduces term of medical law and its position in law system and connection to criminal law.

Basic terms and its explanation are provided in chapter two. It should not be considered as complete and finished enumeration.

Third chapter enumerates important legal documents and laws which cover topic of the theses the most. Same as in chapter two, this should not be considered as complete enumeration, because connection to the topic can be found in many more documents which are not mentioned.

Fourth chapter describes evolution of relationship of doctor and patient from strict paternal do recent stadium, when it is more and more subject to legal and medical discussions.

Fifth chapter continues with basic rights and duties, rights of patient, duty of confidentiality and living will.

From the Chapter six there is criminal law fundamentally speaking and describing aspects of the whole topics. First, it describes types of responsibility, and in the Chapter seven it describes criminal law liability and its basis.

Chapter eight gives brief explanation of criminal liability of legal entities in connection with law Criminal liability of legal entities.

Ninth chapter deals with objective aspects of criminal liability, action (behavior), consequence and casual relationship between the two. Casual relationship is one of the most important aspects of criminal law liability and medical law. It is a key factor in praxis.

As a proof in medical law cases, judges and expert witness have to consider medical documentation. Problems connected to that are explained in Chapter ten.

Eleventh chapter deals with circumstances excluding the act from offences against law.

Same as medical documentation, also expert witness is a very important proof in medical cases. How courts deal with it is described in Chapter twelve.

Chapter thirteen mentions the most often criminal offenses occurring in connection to relationship of doctor and patient. Case studies are also widely described.

Conclusion describes motivation of choosing this topic and provides aims for the future to the medical law.